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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,973	07/18/2003	Daniel J. Zillig	58067US002	3008

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EXAMINER

MATZEK, MATTHEW D

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 02/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/622,973

Applicant(s)

ZILLIG ET AL.

Examiner

Matthew D. Matzek

Art Unit

1771

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 January 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☒ Applicant's reply has overcome the following rejection(s): The 112 2nd paragraph rejection of claim 50.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-36, 47 and 49-52.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.


1/30/2006

Continuation of 11. does NOT place the application in condition for allowance because: Applicant has provided sufficient explanation for Examiner to withdraw the rejection of claim 50 under 35 U.S.C. § 112 2nd paragraph. The motivation to combine the articles of Tanaka (EP 0822093) in view of Lerner et al. (US 5,198,292) as stated in the previous Office Action is to create an adhesive article with high surface area and volume in which to acquire particles. The combined article provides a nonwoven article impregnated with adhesive instead of merely coated. This neither destroys nor diminishes the invention of Tanaka. Lerner does not state that it is incapable of deformation and is directed to collect solid particles (Abstract) and as such would serve the same function as the adhesively coated layer of Tanaka. Placing the Lerner cloth beneath the porous screen of Tanaka would limit the surface area of the Lerner cloth available for use, but does not inhibit its use as an adhesive article. No evidence has been set forth to demonstrate that the combination of the Lerner and Tanaka articles would result in a "cleaning sheet unsatisfactory for its intended purpose". The high area and volume motivation is provided as the impregnated fiber web would provide more adhesively coated area throughout to which solid particles may adhere rather than just the coated surfaces of the Tanaka invention.

Examiner disagrees with Applicant's interpretation of the Lerner's teaching of "wicking". Examiner interprets Lerner's teaching of wicking to create an article that wicks adhesive from the outer surfaces at which it is applied. The wicked adhesive will accumulate in the centermost region as it originally possesses no adhesive and as such the direction of the wicking will be from the outside to the interior of the article. This would leave the outermost fibers of this interior layer (second section) with less adhesive than the centermost fibers (first section). When the porous screen is applied to the interior fiber web it will contain no adhesive. Therefore, the final product centermost part of the article will have the most adhesive and the level of adhesive will progressively decrease to its exterior. Claim 49 is rejected as the intermediate region may be divided into three regions defining approximately one-third of a thickness of the fiber web and wherein each portion includes one or more of the individually coated fibers. The article of Lerner teaches fibers that become coated through wicking. This teaching would provide for individually coated fibers. The teaching of Truong has been relied upon for the teaching of three layers within the cleaning article not that Truong may be impregnated with tacky material. The teaching of using both sides of the article for the same cleaning purpose has been provided for by Tanaka (col. 8, lines 8-15), not Truong. Tanaka does teach that the pressure-sensitive-adhesive PSA layer is not to protrude beyond the outer surface of the porous screen, but the PSA would necessarily flow into the pores of the screen and may be located up to the same level as the outer surface of the porous screen, but it may not exceed the level of the outermost surface of the porous screen. By replacing the adhesively coated sheet of Tanaka with impregnated fabric of Lerner the fibers of Lerner may be present up to the instantly claimed "working surface". Therefore, the combined article meets the limitations of claim 50.

Examiner has relied on the combined article of Tanaka in view of Lerner for the rejection of claims 25-36, 51 and 52. The level of adhesive taught in the Tanaka meets the instantly claimed article and would also be present in the combined article. Lerner has been relied upon for the use of an impregnated fabric in place of Lerner's PSA coated article. Lerner has not been relied upon to teach the level of adhesive to be used in the combined article. Claims 33 and 34 are rejected as the amount of adhesive necessarily possesses a volume of tacky material per unit area of fiber web material and a weight of tacky material per unit area of fiber web material. .



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